

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT A. MORROW,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-CV-153-SRW
)	
HEATHER TURNER, et al.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On February 9, 2023, Plaintiff Robert A. Morrow, a prisoner, instituted this action by filing a civil rights complaint against five employees of the Missouri Department of Corrections. Plaintiff also filed a motion seeking leave to proceed without prepaying fees or costs. The Court granted the motion and assessed an initial partial filing fee, and reviewed the complaint in accordance with 28 U.S.C. § 1915(e)(2). Upon such review, the Court determined that the complaint failed to state a claim upon which relief may be granted, and was subject to dismissal.

On May 23, 2023, the Court entered an order giving Plaintiff the opportunity to file an amended complaint. In that order, the Court clearly explained why the complaint was subject to dismissal, gave Plaintiff clear instructions about how to prepare the amended complaint, and cautioned him that his failure to timely file an amended complaint could result in the dismissal of his case without prejudice and without further notice. The Court also directed Plaintiff to pay an initial partial filing fee.

Plaintiff's response was due to the Court on June 22, 2023. To date, however, he has not filed an amended complaint or sought additional time to do so. The Court gave Plaintiff meaningful notice of what was expected, cautioned him that his case would be dismissed if he

failed to timely comply, and waited an additional period of time for him to comply. Therefore, this action will be dismissed without prejudice due to Plaintiff's failure to comply with the Court's May 23, 2023 order and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) ("A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff's failure to comply with any court order[.]").

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 6th day of July, 2023.

A handwritten signature in cursive script that reads "Ronnie L. White". The signature is written in black ink and is positioned above a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE